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मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 38]

भोपाल, शुक्रवार, दिनांक 20 सितम्बर 2019—भाद्र 29, शक 1941

भाग ४

विषय-सूची

(क) (1) मध्यप्रदेश विधेयक,	(2) प्रवर समिति के प्रतिवेदन,	(3) संसद में पुरःस्थापित विधेयक.
(ख) (1) अध्यादेश,	(2) मध्यप्रदेश अधिनियम,	(3) संसद के अधिनियम.
(ग) (1) प्रारूप नियम,	(2) अन्तिम नियम.	

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)—कुछ नहीं

भाग ४ (ग)

अन्तिम नियम

नगरीय विकास एवं आवास विभाग

मंत्रालय, वल्लभ भवन, भोपाल

सूचना

भोपाल, दिनांक 9 सितम्बर 2019

क्र. एफ 3-112-2018 अठारह-5.—मध्यप्रदेश नगर तथा ग्राम निवेश अधिनियम, 1973 (क्रमांक 23 सन् 1973) की धारा 24 की उपधारा (3) के साथ पठित धारा 85 की उपधारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, राज्य सरकार एतद्वारा मध्यप्रदेश भूमि विकास नियम, 2012 के निम्न नियमों में संशोधन करती है, तो उक्त अधिनियम की धारा 85 की उपधारा (1) के द्वारा अपेक्षित किये गये अनुसार मध्यप्रदेश राजपत्र (असाधारण) दिनांक 29 सितम्बर, 2018 में पूर्व में प्रकाशित किये जा चुकें हैं:—

संशोधन

उक्त नियमों में,—

1. परिशिष्ट-क-1 में, अनुक्रमांक 9 तथा उससे संबंधित प्रविष्टि का लोप किया जाए.
2. परिशिष्ट-क-2 में, अनुक्रमांक 8 तथा उससे संबंधित प्रविष्टि का लोप किया जाए.

3. नियम 16 में, उप-नियम (1) में,—

(एक) खण्ड (क), में शब्द “नजूल अनापत्ति प्रमाण-पत्र” का लोप किया जाए.

(दो) खण्ड (ख) में, शब्द “नजूल अनापत्ति” का लोप किया जाए.

(तीन) उप-नियम (11) में, खण्ड (ग) में, शब्द “नजूल से अनापत्ति प्रमाण-पत्र की अभिप्रमाणित प्रति” के स्थान पर, शब्द “यदि आवेदित भूमि राजस्व अभिलेख में आवेदक के नाम दर्ज है, तो प्राधिकारी आवेदन प्राप्त होने के सात दिवस के भीतर, नजूल अधिकारी को 30 दिवस की कालावधि में नजूल अनापत्ति प्रमाण-पत्र जारी करने हेतु लिखेगा. यदि उक्त निर्धारित कालावधि में नजूल अनापत्ति प्रमाण-पत्र/आपत्ति प्राप्त नहीं होती है, तो यह मानते हुए कि नजूल अनापत्ति प्रमाण-पत्र जारी कर दी गई है, आगामी कार्रवाई की जाएगी, परन्तु उक्त कारण से अनुज्ञा जारी करने हेतु नियत कालावधि को अपवर्जित नहीं किया जायेगा.” स्थापित किया जाए.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार

शुभाशीष बैनर्जी, उपसचिव.

भोपाल, दिनांक 9 सितम्बर 2019

क्र. एफ 03-112-2018 अठारह-5.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, नगरीय विकास एवं आवास की अधिसूचना क्रमांक-एफ-03-112-2018-अठारह-5, दिनांक 9 सितम्बर 2019 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार

शुभाशीष बैनर्जी, उपसचिव.

NOTICE

Bhopal, the 9th September 2019

No. F-3-112-2018-XVIII-5.—In exercise of the powers conferred by sub-section (1) of Section 85 read with sub-section (3) of Section 24 of Madhya Pradesh Town and County Planning Act, 1973. The State Government hereby makes the following amendments in Madhya Pradesh Bhumi Vikas Niyam, 2012 rules the same having been previously published in the Madhya Pradesh Gazette (Extra-Ordinary) dated 29 September 2018 as required by sub-section (1) of Section 85 of the said Act.

AMENDMENT

In the said rules,—

1. In Appendix A-1, serial number 9 and entries relating thereto shall be omitted.
2. In Appendix-A-2, serial number 8 and entries relating thereto shall be omitted.
3. In rule 16, in sub-rule (1),—

(i) In clause (a), for the words “Nazul NOC” shall be omitted.

(ii) In clause (b), for the words “Nazul NOC” shall be omitted.

(iii) In sub-rule (11), in clause (c), for the words “attested copy of No Objection Certificate from Nazul”, the words “If the land applied is registered in the name of applicant in revenue records, then Authority shall write to the Nazul Officer within seven days of receipt of application, to issue Nazul NOC with in a period of 30 days. If Nazul NOC/ Objection is not received in the stipulated period, then further action shall be taken assuming the Nazul NOC has been issued, provided that, for the above reason, the time period fixed for granting the approval shall not be excluded” shall be substituted.

By order and in the name of the Governor of Madhya Pradesh,
SHUBHASHISH BANERJEE, Dy. Secy.

भोपाल, दिनांक 13 सितम्बर 2019

क्र. एफ-03-35-2019 अठारह-5.—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में नगरीय विकास एवं आवास की अधिसूचना क्रमांक-एफ-03-35-2019-अठारह-5, दिनांक 13 सितम्बर 2019 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार
शुभाशीष बैनर्जी, उपसचिव.

Bhopal, the 13th September 2019

F.No.F-3-35/2019/18-5:- In exercise of the powers conferred by section 84 read with sub-clause (iv) of clause (g) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016), the State Government, hereby, makes the following amendments in the Madhya Pradesh Real Estate (Regulation and Development) Rules, 2017, namely :-

AMENDMENTS

In the said rules,-

1. In rule 3,

(1) in sub-rule (1), after clause (g), the following proviso shall be inserted, namely:-

"Provided that in the case of application for submission of a revised document in place an earlier document the authority may fix a fee for grant of such permission."

(2) in sub-rule (3), after the first proviso the following second proviso shall be inserted, namely:-

"Provided further that in case of application not submitted within the prescribed period, the

authority may fix a late fee for registration which shall be in addition to any penalty that may be imposed under the provisions of the Act."

2. In rule 4, in sub-rule (5), the following proviso shall be inserted, namely:-

"Provided that in the case of application for change in designated account, authority may fix a fee for grant of such permission."

3. In rule 7,-

(1) in sub-rule (1), the word 'after' shall be deleted.

(2) in sub-rule (2), after the second proviso, the following proviso shall be inserted, namely:-

"Provided also that in case of submission of application for extension after expiry of registration period, the authority may fix a late fee for delayed submission of such application."

4. In rule 10, in sub-rule (2), the following proviso shall be inserted, namely:-

"Provided that a person who is applying under the 'Individual' category shall have to submit an affidavit that the real estate business is not his primary source of income and he is doing this only as a part time occupation. In all other cases the application shall be in 'other than individual' category."

5. In rule 16, in sub-rule (1), after clause (d), the following proviso shall be inserted, namely:-

"Provided that in case of quarterly reports not submitted within the prescribed period, the authority may fix a late fee for the submission which shall be in addition to any penalty that may be imposed under provision of the Act."

6. In rule 26, in sub-rule (3), the following words shall be inserted after "if", namely:-

"after summoning the parties and on hearing them" and words "prima facie" shall be deleted.

7. For rule 27, the following rule shall be substituted, namely:-

"27. Recovery of interest, penalty and compensation."

Subject to the provision of sub-section (1) of section 40, for the recovery of amounts due, including the principal, interest, penalty or compensation, the Real Estate Regulatory Authority shall appoint one or more judicial officer as deemed necessary who is or has been an Additional District Judge or District Judge to be an Executing Officer. Such Executing Officer shall have the powers of a Judicial Magistrate of the First Class for the purpose of the code of Criminal Procedure, 1973 and of a Revenue Officer functioning under Chapter XI of the Madhya Pradesh Land Revenue Code, 1959 for the realization of land revenue, and his jurisdiction shall

extend to the entire state of Madhya Pradesh:

Provided that the Real Estate Regulatory authority may, if the circumstances so warrant, designate the adjudicating officer as the Executing Officer also:

Provided further that in the event of his inability to execute any such order, it shall be lawful for the Executing Officer, with the prior consent of the Regulatory Authority, to send such order to the Revenue authority within the local limits of whose jurisdiction the real estate project is located or the person against whom the order issued actually or normally resides, or carries on business or works for gain, for execution.

8. For rule 28, the following rule shall be substituted, namely:-

"28. Manner of implementation of order, direction or decisions of the adjudicating officer, the Authority or the Appellate Tribunal. —

For the purpose of sub-section (2) of section 40, every order passed by the adjudication officer, Regulatory Authority or Appellate Tribunal under the Act or

Rules or regulations made thereunder, shall be enforced by the adjudicating officer, Regulatory Authority or the Appellate Authority, as the case may be, in the same manner as if it were a decree or order made by the Principal Civil Court in a suit pending therein:

Provided that the adjudicating officer, Regulatory Authority or Appellate Authority may, at its discretion, assign such order to the Executing Officer appointed under Rule 27, for execution:

Provided further that for the purpose of discharging its functions under Rule 28, the adjudicating officer, Regulatory Authority, Appellate Tribunal or Executing Officer shall exercise the same powers as are vested in a civil court under the Code of Civil Procedure, 1908:

Provided also that it shall be lawful for the adjudicating officer, Regulatory Authority, Appellate Tribunal, as the case may be, in the event of its inability to execute the order, or the inability of the Executing Officer who has been entrusted with an order for execution to execute such order, to send such order to the Principal Civil Court for execution, within

the local limits of whose jurisdiction the real estate project is located or within the local limits of whose jurisdiction the person against whom the order is issued actually or normally resides, or carries on business or works for gain."

9. After rule 28, the following rule shall be inserted, namely:-

"28-A. Every proceeding under sub-section (1) and (2) of section 40 of the Real Estate (Regulation and Development) Act, 2016 and under Rules 27 and 28 of the Madhya Pradesh Real Estate (Regulation and Development) Rules, 2017 before the Regulatory Authority, adjudicating officer, Appellate Tribunal and the Executing Officer appointed under Rules 27, shall be deemed to be a judicial proceeding within the meaning of section 193, 219 and 228 for the purposes of section 196 of the Indian Penal Code, and the Regulatory Authority, adjudicating officer, Appellate Tribunal and Executing Officer shall be deemed to be civil court for the purposes of section 195 and Chapter XXVI of the Criminal Procedure, 1973."

10. For rule 29, the following rule shall be substituted, namely:-

" (1) Selection of the Chairperson of the Tribunal.-

As and when the vacancy of the Chairperson arises or exists in the Tribunal-

- (a) The Chairperson of the Tribunal shall be appointed by the State Government in consultation with the Chief Justice of the High Court of Madhya Pradesh or his nominee,
- (b) A person shall not be qualified for appointment as the Chairperson of the Tribunal unless he is, or has been a Judge of a High Court.

(2) Manner of selection of the Members of the Tribunal.-As and when vacancies of the Member in the Tribunal arises or exists-

- (a) The Judicial Member or Technical Member or Administrative Member of the Tribunal shall be appointed by the State Government on the recommendation of a Selection Committee consisting of the Chief Justice of the High Court or his nominee, the Secretary of the

Department handling Housing and the Law Secretary;

- (b) The Selection Committee shall select two persons for each vacancy and recommend to the State Government within a period of forty five days from the date of reference made by the State Government;
- (c) The State Government shall, within fifteen days from the date of the recommendations made by the Selection Committee, appoint one of the two persons recommended by the Selection Committee for filling the vacancy of the Member."

11. After rule 29, the following rules shall be inserted, namely:-

"29 -A. Process of appointment and other terms and conditions.-

- (a) The process of appointment of Chairperson or a Member shall ordinarily be initiated at least three months before the actual vacancy arises;
- (b) If a post falls vacant due to resignation or death of Chairperson or a member or because of creation of a new post, the process for filling the post shall be initiated immediately

after the post has fallen vacant or is created, as the case may be;

- (c) A casual vacancy caused by resignation or removal of the Chairperson or any other Member of the Tribunal shall be filled by fresh appointment within three months from the date on which such vacancy occurs.

29 -B. Resignation.-

- (1) The Chairperson or a Member may -
 - (a) by writing under his hand and addressed to the State Government, resign his office at any time by giving notice of not less than three months, but his office shall become vacant only when such resignation is accepted by the State Government;
 - (b) be removed from the office in accordance with the provisions of section 49 of the Act and rules made in this behalf.
- (2) When the office of the Chairperson is vacant or a person occupying such office is by reason of absence or otherwise, unable to perform the duties of his office, the same shall, save as otherwise directed by the State Government by special orders, be performed by the senior most member of the Appellate Tribunal.
- (3) The Chairperson or any Member ceasing to hold office as such shall not hold any appointment in or be connected with the management or

administration of an organization which have been the subject of any proceeding under the Act during his tenure, for a period of five years from the date on which he ceases to hold such office."

12. In rule 32, after clause (m), the following clauses shall be inserted, namely:-

- "(n) all matters relating to the administrative control, functioning, monitoring and general Superintendence of officers and staff.
- (o) any other powers that may be required for the efficient functioning of the Tribunal and enforcement of the provisions of the Act and the Rules made thereunder."

By order and in the name of the Governor of Madhya Pradesh,
SHUBHASHISH BANERJEE, Dy. Secy.